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April 30, 2008

Ms. Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812

Dear Ms. Kammerer:

The Consumer Healthcare Products Association (CHPA) appreciates the opportunity to provide comments on the Office of Environmental Health Hazard Assessment's (OEHHA) "Proposition 65 Regulatory Update Project, Beneficial Nutrients Regulatory Concept" on behalf of our interested member companies. Founded in 1881, CHPA is a national trade association representing manufacturers and distributors of over-the-counter (OTC) drug products and dietary supplements.

CHPA does not believe that the Beneficial Nutrients Regulatory Concept is necessary or supportive of the intent of the Safe Drinking Water and Toxic Enforcement Act of 1986. Our initial review of the Beneficial Nutrients Regulatory Concept suggests that it would affect few, if any, substances currently included on the Proposition 65 list.

As OEHHA is likely aware, the category of food includes dietary supplements. Should the Agency proceed with implementing the Beneficial Nutrients Regulatory Concept, we would urge the Agency to maintain the inclusion of dietary supplements as a "food" eligible for the "exposure" exemption. However, CHPA believes that reliance on the Recommended Daily Allowance and 20 percent of the Tolerable Upper Intake Level benchmarks for determining what constitutes an exposure in food appears arbitrary and not directly relevant to Proposition 65 criteria.

For these reasons, we encourage OEHHA to reconsider the necessity of this proposal. CHPA members thank OEHHA for the opportunity to provide our comments. We understand that this proposal is in its initial stages and we look forward to continuing to work closely with the Agency on this matter if the proposal moves forward. If you have any questions or if CHPA can be of any assistance, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Alison Manhoff".

Alison Manhoff
Associate General Counsel

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